



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/169094

PRELIMINARY RECITALS

Pursuant to a petition filed September 29, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability ["DHCAA"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on November 11, 2015.

The issue for determination is whether it was correct for DHCAA to deny MA Prior Authorization ["PA"] for a lower partial denture for petitioner.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

BY: [REDACTED], DDS, Dental Consultant [Dr. [REDACTED] did not appear at the November 11, 2015 Hearing but submitted a letter dated October 12, 2015 with attachments.]

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 54 years old) is a resident of Brown County, Wisconsin.
2. Petitioner's provider, [REDACTED] of Appleton, Wisconsin requested PA (P.A. # [REDACTED]; dated August 5, 2015) for MA coverage for a lower partial denture for petitioner at a total cost of \$2,466.00.
3. DHCAA denied PA # [REDACTED]; DHCAA sent a letter to petitioner dated August 18, 2015 and entitled *BadgerCare Plus Notice of Appeal Rights* informing her of this denial.
4. Petitioner been approved for PA for MA payment for an upper partial denture
5. With the upper partial denture petitioner has at least 2 posterior teeth per quadrant in occlusion with the opposing quadrant, does not have any anterior teeth missing, and has fewer than 6 missing teeth in her upper arch.

DISCUSSION

Petitioner appeals because DHCAA denied PA for the requested lower partial denture. Partial dentures require PA. Wis. Admin. Code § 107.07(2)(a)3.b. (August 2015); ForwardHealth Topic #2896 (Prior Authorization Requirements) – found online.

This is a denial of eligibility for services; it is not discontinuation of services. As with any eligibility denial, the burden is on petitioner to show that she is eligible for the requested services. *Lavine v. Milne*, 424 U.S. 577, 583-584 (1976). Petitioner has failed to do so.

MA reimburses for partial dentures *only* for members with good oral health and hygiene, good periodontal health (American Academy of Pediatrics [“AAP”] Type I or II), and a favorable prognosis where continuous deterioration of teeth and periodontal health is not expected.

A member qualifies for a partial denture if any of the following criteria are met:

- One or more anterior teeth are missing.
- The member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
- The member has at least six missing teeth per arch, including third molars.
- A combination of one or more anterior teeth are missing, and the member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
- The member requires replacement of anterior teeth for employment reasons.
- Medically necessary for nutritional reasons documented by a physician.
- Unusual clinical situations where a partial is determined to be necessary based on a comprehensive review of the dental and medical histories.

If placement of a partial denture in an arch provides at least two posterior teeth (posterior teeth are bicuspid and molars only) per quadrant in occlusion with the opposing quadrant, the opposing partial, if requested, may not be authorized unless the member also has an anterior tooth missing in that arch.

ForwardHealth Topic #2895 (Partial Dentures) – found online.

In this case, as noted in the above *Findings of Fact*, with the upper partial denture petitioner has at least 2 posterior teeth per quadrant in occlusion with the opposing quadrant, does not have any anterior teeth missing, and has fewer than 6 missing teeth in her lower arch. Further, there is no documentation in the record of this matter that petitioner needs the lower partial for employment or nutritional reasons or that this is an unusual clinical situation. Therefore, PA for the lower partial denture was properly denied.

CONCLUSIONS OF LAW

For the reasons discussed above, DHCAA was correct deny PA for a lower denture for petitioner.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby DISMISSED.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 13th day of November, 2015

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 13, 2015.

Division of Health Care Access and Accountability